

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

MINUTES OF PROCEEDINGS

February 18, 2000

BEFORE HON. CARMEN CONSUELO CEREZO  
United States District Judge

ALEXIS M. HERNAN,  
SECRETARY OF LABOR  
UNITED STATES DEPARTMENT OF LABOR

vs

CIVIL 98-2244CCC

VIGILANTES, INC., et al

A pretrial conference was held on February 16, 2000. Present were: AUSA Liza Bathia and attorney Harold W. LeMar (who appeared by telephone) for plaintiff, and attorneys George E. Cranwell and Manuel Herrero-García, for defendant.

Approval of the Joint Pretrial Order is postponed until the final pretrial conference is held. The following specific portions of the Joint Pretrial Order were discussed:

(1) page 4 - items 7 and 8 will have to be copied by an independent contractor retained by plaintiff. These documents have yet to be provided to the defendant company which contends it does not know what are the final amounts claimed or how many of its employees are ultimately involved.

(2) page 5 - the depositions of defendant Edgar Pedrosa and comptroller Francisco Figueroa - designations of portions of depositions have to be made by plaintiff and informed to defendant so that it will be in a position to object. **A term of fifteen (15) days is granted to comply.**

(3) Tab 2, page 6 - Legal Theory for plaintiff: (Anderson case) Secretary alleges it only needs to come forward with a reasonable estimate of back wages to show work done and not paid and then burden shifts to defendants. Court understands the issue is not one of

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JW

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burden of proof rather of which is the final claim being made since at this time plaintiff has added to the list of employees attached to the complaint Tab 8 of the Pretrial Order which is a witness list of over **300** employees. This list includes names of witnesses who were not included in list attached to the complaint. That list included only 218 employees. Plaintiff informed it may expand the list even beyond Tab 8.

**A final pretrial conference is set for March 6, 2000 at 4:45 PM.** By such date, plaintiff must have a final, revised list of company employees and final computations for unpaid overtime compensation for all of them. The Court will then decide whether the trial date can remain in effect. Parties to be notified.

h - Secretary

s/c: L. Mendez  
J. Uzgenbeiner  
H. Le May  
M. Stevens  
S. Cromwell  
3-1-00  
JWB